

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:09-cr-045

Civil Case No. 3:13-cv-298

- vs -

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

CALILIN GRANT,

Defendant.

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**REPORT AND RECOMMENDATIONS**

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This is a case brought under 28 U.S.C. § 2255 case to vacate Defendant's conviction. Defendant was initially represented by counsel who filed the Motion to Vacate on his behalf. Grant then moved to withdraw the original Motion and to discharge counsel so that he could file his own § 2255 Motion (Doc. Nos. 197, 198, 199). After Mr. Rion had withdrawn, the Court indicated Grant could file a *pro se* motion to vacate, but set a deadline for doing so of October 15, 2013 (Order, Doc. No. 200).

As of the date of this Report, Grant has filed nothing and more than three weeks have

expired since the deadline. It is therefore respectfully recommended that this § 2255 proceeding be dismissed without prejudice for want of prosecution.

November 7, 2013.

s/ *Michael R. Merz*  
United States Magistrate Judge

#### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).